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IN THE

Supreme Court of the United States

AMERICAN CIVIL LIBERTIES UNION OF TENNESSEE, PLANNED PARENTHOOD OF MIDDLE AND EAST TENNESSEE, INC., SALLY LEVINE, HILARY CHIZ, JOE SWEAT,

Petitioners,

—v.—

PHILIP BREDESEN, GOVERNOR OF TENNESSEE, GERALD F. NICELY, INTERIM COMMISSIONER OF SAFETY OF TENNESSEE, NEW LIFE RESOURCES, INC.,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether the Sixth Circuit erred in holding – in direct conflict with the Fourth Circuit – that the government may engage in viewpoint discrimination by allowing a "Choose Life" message, but rejecting a pro-choice message, on specialty license plates?

PARTIES TO THE PROCEEDING

Petitioners include the American Civil Liberties Union of Tennessee ("ACLU"), Planned Parenthood of Middle and East Tennessee, Inc. ("PPMET"), and three Tennessee individuals (Sally Levine, Hilary Chiz and Joe Sweat). In the United States Court of Appeals for the Sixth Circuit, Petitioners proceeded as appellees.

Pursuant to Rule 12.6 of this Court, Tennessee Governor Philip Bredesen and Interim Commissioner of Public Safety Gerald F. Nicely[1] (the "State Defendants") are listed as Respondents. Like Petitioners, the State Defendants proceeded as appellees in the Sixth Circuit.

Respondent New Life Resources, Inc. proceeded as intervening defendant-appellant in the Sixth Circuit.

In the district court, Friends of Great Smoky Mountains National Park, Inc. proceeded as an intervening defendant. Friends of Great Smoky Mountains did not, however, participate in the proceedings in the Sixth Circuit. (The organization is thus listed solely as "defendant" – rather than "defendant-appellant" or "defendant-appellee" – on the caption of that court's decision.) For this reason, Friends of Great Smoky Mountains has been omitted from the caption of this petition.

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[1] Petitioners initially sued Fred Phillips, then Tennessee Commissioner of Public Safety, in his official capacity. Mr. Phillips has been succeeded in office by Gerald F. Nicely, who is substituted in his place in the caption.

CORPORATE DISCLOSURE STATEMENT PURSUANT TO RULE 29.6

None of the Petitioners in this action has a parent corporation or any stock owned by publicly held corporations.

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